

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

ALEC MATHEWS,

Petitioner,

v.

CIVIL ACTION NO. 5:23-cv-00086

KATINA HECKARD,

Respondent.

ORDER

Pending is Petitioner Alec Mathews' Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 and supporting documents [Docs. 1–3], filed February 6, 2023.¹ This action was previously referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Aboulhosn filed his PF&R on July 13, 2023. Magistrate Judge Aboulhosn recommended that the Court dismiss Petitioner's Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 and remove this matter from the docket of the Court.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C.

¹ Also pending is Petitioner's Objections to the Magistrate's Order for Emergency Hearing [Doc. 18], filed on March 7, 2023. Inasmuch as Magistrate Judge Aboulhosn construed Petitioner's Motion for Emergency Hearing as a supplement to the underlying Petition [*see* Doc. 9], considered the contents thereof, and promptly issued his PF&R, the Court **FINDS** Magistrate Judge Aboulhosn's denial of Petitioner's related Motion for Reconsideration [Doc. 17] was not clearly erroneous or contrary to law. Accordingly, the Court **OVERRULES AS MOOT** Petitioner's Objections [**Doc. 18**].

§ 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*” (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner’s right to appeal the Court’s order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically “appeal a magistrate judge’s findings that were not objected to below, as § 636(b) doesn’t require de novo review absent objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Upon the Petitioner’s motion, the Court extended the deadline to file objections. [Doc. 29]. Thus, objections in this case were due on August 14, 2023. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [Doc. 26], **DENIES** Petitioner’s Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 [Doc. 1], and **DISMISSES** the matter.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: August 29, 2023



Frank W. Volk
 Frank W. Volk
 United States District Judge